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10/569,969	03/21/2007	Anthony Court Huggett	511-73	3380

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EXAMINER

BRADEN, SHAWN M

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3781

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,969	Applicant(s) HUGGETT, ANTHONY COURT	
	Examiner SHAWN M. BRADEN	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-26, 28-35 and 37-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-26, 28-35, 37-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 28,44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language, " each reinforced panel comprising two outer laminations and a reinforced inner structure" is not clearly understood. The specification does not further clarify either. Is the applicant attempting to further claim the L-shaped members as outer laminations? For examination purposes outer laminations will be considered the same as L-shaped members.

Claim Objections

3. Claim 37,38 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 20, claims the tubular member on all edges.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-26,28-35,37-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palley (USPN7,571,828) in view of Gourrierc (Nederland 1012498) from applicant's IDS and in view of Hugget (Wo02.46048) also from IDS in view of Eby (USPN 3,405,835).

Palley discloses the invention substantially as claimed.

Palley shows in (fig 12) claim 20, a plurality of upper panels (11), and a bottom panel (11), each panel having a body and an elongate tubular member (shown well but not labeled in fig. 11) along an edge all edges of the body; the tubular member having at least one cut-away section (the tenons and mortise) to form an interlocking formation; and at least one interlocking formation on the bottom panel engaging an interlocking formation on at least one upper panel (rod 112 is shown interlocking the bottom an upper panel 11).

Palley shows claim 21, wherein the interlocking formations on each panel are alternating tenon and mortise formations (shown well in fig. 12).

Palley shows claim 22, wherein the tenons and mortises of adjacent panels are staggered so as to enable a tenon of a first panel to engage a mortise provided in an adjacent panel (shown well in fig. 12).

Palley shows claim 23, wherein the mortises are shaped so that a tenon is received therein in an arrangement wherein the received tenon is substantially axially aligned with an adjacent tenon (aligned to receive rod 112).

Palley shows claim 24, wherein an engagement member (112) is receivable through a passage formed by adjacent tenons when panels are engaged (fig. 12).

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Palley shows claim 25, wherein the engagement member is in the form of a solid rod (112)

Palley shows claim 29, wherein the interlocking formations of adjacent panels are arranged to be releasably interlockable (shown connecting in fig. 12).

Palley shows claim 30, wherein the cut-away section in the tubular member of a panel is a section where a segment of the tubular member (the vacant space between the tennon) has been removed.

Palley shows claim 31, wherein the cut-away section of a panel defines a mortise (the vacant space) adjacent a tenon formed by the tubular member where it is not cut-away.

Palley shows claim 37, wherein the tubular members are provided on ends of the edges of a panel (where rod slides in panel meets "tubular members" on all edges shown in fig. 12).

Palley shows claim 38, wherein the tubular members are provided on sides of the edges of a panel.

Palley shows claim 39, wherein the body of a panel is substantially rectangular (the panels shown in fig. 12 are rectangles).

5. However Palley does not disclose, claim 20, the bottom panel having a plurality of reinforced downwardly protruding supports for raising up the bottom panel and thereby the collapsible container; claim 28, wherein the supports are include a plurality of stacked reinforced panels including at least one L-shaped channel section for supporting the stacked reinforced panels, each reinforced panel comprising two outer laminations and a reinforced inner structure and wherein the support structures are

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secured to a bottom panel of the collapsible container, claim 32 wherein each panel includes a securing cover for securing the tubular member to the body of the panel, the securing cover comprising a sheet of pliable material that is wrapped around the tubular member, with opposite ends of the sheet being secured to opposite sides of the body of the panel, claim 33, wherein the body of a panel is made from reinforced material that comprises two outer laminations and an inner reinforcing structure, claim 34, wherein the outer laminations at least partially overlies the tubular section when secured to the edge' of the panel, claim 35, wherein the inner reinforcing structure comprises a honeycomb structure, claim 40 wherein the body and tubular members of a panel are made from cardboard, claim 41, wherein each support includes a plurality of reinforced panels stacked on top of one another, and being secured in a stacked position, claim 42, wherein each support includes at least one L-shaped channel section for supporting the stacked reinforced panels, claim 43, wherein each support includes two mirrored L-shaped channel sections for supporting the stacked reinforced panels, claim 44, wherein each reinforced panel comprises two outer laminations and a reinforced inner structure, claim 45, wherein the outer laminations are made from cardboard or craft paper, claim 46, wherein the reinforced inner structure comprises honeycomb structured cardboard or craft paper, claim 47, wherein the reinforced inner structure comprises tubular cardboard sections.

Gourrierc teaches claim 20, the bottom panel (2) having a plurality of reinforced downwardly protruding supports (element 3 on cover) for raising up the bottom panel (2) and thereby the collapsible container; and at least one interlocking formation on the

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bottom panel engaging an interlocking (shown in Palley), claim 28, wherein the supports are include a plurality of stacked reinforced panels including at least one L-shaped channel section (29" fig. 4C) for supporting the stacked reinforced panels, each reinforced panel comprising two outer laminations (the L-shaped sections) and a reinforced inner structure (24,26) and wherein the support structures are secured to a bottom panel (2) of the collapsible container, claim 41, wherein each support includes a plurality of reinforced panels (24,26) stacked on top of one another, and being secured in a stacked position (fig. 4c), claim 42, wherein each support includes at least one L-shaped channel section (29') for supporting the stacked reinforced panels, claim 43, wherein each support includes two mirrored L-shaped channel sections (29',29") for supporting the stacked reinforced panels, claim 44, wherein each reinforced panel comprises two outer laminations (29',29") and a reinforced inner structure (24,26) in the same field of endeavor for the purpose of supporting a pallet off the ground so as a fork lift can pick it up.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the supports onto the bottom of a container like Palley as taught by Gourrierc in order to allow a fork lift to easily pick it up.

Huggett teaches claim 32 wherein each panel (fig. 4) includes a securing cover (66) for securing the tubular member to the body of the panel, the securing cover comprising a sheet (67) of pliable material that is wrapped around the tubular member (26), with opposite ends of the sheet being secured to opposite sides of the body of the panel, claim 33, wherein the body of a panel is made from reinforced material that

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comprises two outer laminations (two layers of 66) and an inner reinforcing structure, claim 34, wherein the outer laminations (66) at least partially overlies the tubular section (26) when secured to the edge of the panel, claim 35, wherein the inner reinforcing structure comprises a honeycomb structure (65), claim 40 wherein the body and tubular members of a panel are made from cardboard (disclosed in page 2 line 20,21) in the same field of endeavor for the purpose of making a strong durable collapsible container, claim 45, wherein the outer laminations are made from cardboard (pate 2, line 20,21) or craft paper, claim 46, wherein the reinforced inner structure comprises honeycomb (65) structured cardboard or craft paper, claim 47, wherein the reinforced inner structure comprises tubular cardboard sections (26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the panel building structure as shown by Huggett to make the container of Palley in order to have a strong easily recyclable cardboard material, collapsible container.

6. Eby teaches claim 26, s wherein the engagement member is in the form of a hollow tubular cylinder (138 can be hollow col 5 line 45) in the same field of endeavor for the purpose of saving on material cost, tubes are typically cheaper than solid rod of the same diameter.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hollow tube as taught by Eby for the rods of Palley in order to save on material cost.

Response to Arguments

7. Applicant's arguments with respect to claims 20-26,28-35,37-47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781

/Shawn M Braden/
Examiner, Art Unit 3781